

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ALEXANDR ROMANOV,
an Individual Petitioner,

Petitioner,

v.

Case No. 3:21-cv-779-MMH-MCR

ANYA SOTO, an Individual
Respondent,

Respondent.

ORDER

THIS CAUSE is before the Court on the Verified Petition for Return of Minor Children, Issuance of Show Cause Order and Provisional Measures (Doc. 1; Verified Petition) filed on August 11, 2021. Petitioner filed the Verified Petition pursuant to The Convention on the Civil Aspects of International Child Abduction (“the Hague Convention”), Oct. 25, 1980, T.I.A.S. No. 11670, as implemented by the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. § 9001, et seq.¹ The Court entered an Order (Doc. 5) on August 12, 2021, taking the Verified Petition under advisement and directing Petitioner to promptly effect service of process on Respondent. See Order at 2-3. Petitioner

¹ ICARA was previously located at 42 U.S.C. § 11601.

filed a Proof of Service (Doc. 7) on August 26, 2021, representing that he effected substitute service of process on August 25, 2021. The Court held a status conference on September 2, 2021, at which Petitioner's counsel, Respondent, and Respondent's counsel appeared in person. See Minute Entry (Doc. 14; Status Conference).

In the Verified Petition, Petitioner asserts that his minor children, M.A.R. and V.A.R. (the Minor Children), are being wrongfully retained in Jacksonville, Florida, within the Middle District of Florida, by the Minor Children's mother (Respondent). See Verified Petition at 1-4. Petitioner asserts that Canada was the Minor Children's habitual residence prior to Respondent's wrongful retention of the children in the United States beginning in March 2021. See Verified Petition at 3. In the Verified Petition, Petitioner requests, inter alia, that the Court "issue an Order which would require the immediate surrender of the children's travel documents; and prohibition of their removal from the jurisdiction of the court, pending resolution of this matter; further to set an expedited hearing" on the Verified Petition. See Verified Petition at 7-8. Petitioner also requests that he be permitted to communicate via video chat or other similar form of real time communication with the Minor Children for at least thirty minutes a day. See id. at 7. The Court heard from the parties with regard to these matters at the Status Conference.

Pursuant to ICARA, the Court “may take or cause to be taken measures under Federal or State law, as appropriate, to protect the well-being of the child involved or to prevent the child’s further removal or concealment before the final disposition of the petition.” See 22 U.S.C. § 9004(a). Upon review of the Verified Petition, the Court determines that some relief is warranted to assure the continued availability of the Minor Children pending a hearing on the merits of the Verified Petition.¹ Likewise, the Court finds it appropriate to grant Petitioner’s request for access to the Minor Children pending a decision on the merits of his Petition in order “to protect the well-being of the [children] involved” See 22 U.S.C. § 9004(a); Pawananun v. Pettit, No. 1:20CV1081, 2020 WL 5494243, at *1 (N.D. Ohio Sept. 11, 2020) (entering a visitation order pursuant to the court’s authority under 22 U.S.C. § 9004(a) to ensure the well-being of the children) Schaeffer v. Jackson-Schaeffer, No. 1:17-cv-147, 2017 WL 11458052, at *4-5 (E.D. Tenn. Nov. 8, 2017) (granting father’s request for scheduled calls with the children pending a final decision on the merits pursuant to the court’s authority under 22 U.S.C. § 9004(a)). In accordance

¹ Although the Minor Children were residing in Jacksonville, Florida at the time Petitioner filed the Verified Petition, Respondent has informed the Court that she and the Minor Children moved to California on August 21, 2021, where the Minor Children are now enrolled in school. Because the Minor Children were located in the Middle District of Florida when the matter was filed, the Court finds, and the parties agreed, that the Court has jurisdiction over this action. See 22 U.S.C. § 9003(b).

with the discussions at the Status Conference, and without objection from the parties, it is

ORDERED:

1. During the pendency of this case, Respondent Anya Soto shall **immediately surrender** all travel documents of the Minor Children, M.A.R. and V.A.R., to her counsel, Lawrence C. Datz. As an officer of the Court, counsel shall hold the travel documents in trust and not release those documents unless authorized to do so by further order of the Court.
2. Both Petitioner and Respondent are **prohibited** from taking any further steps towards renewing or obtaining additional travel documents for the Minor Children unless permitted by the Court.
3. During the pendency of this case, Respondent Anya Soto is **enjoined** from removing the Minor Children from San Diego North County, California, absent permission of this Court, except that the Minor Children may engage in temporary travel to contiguous counties as is necessary for routine activities.
4. Respondent Anya Soto is further **enjoined** from changing the residence of the Minor Children from either the hotel where they are currently residing, or the leasehold residence where they are to

begin occupation on September 11, 2021, the addresses of which were provided by Respondent's counsel at the Status Conference.

5. Respondent Anya Soto **shall permit** Petitioner to communicate with the Minor Children, outside the presence of others, via video calls through Zoom, FaceTime or like technology, for at least thirty minutes, every other day at 5:30 p.m. (PT), beginning on September 3, 2021. This schedule shall remain in place for the next **fourteen days** unless counsel mutually agree on a different visitation schedule.
6. Respondent shall file an answer to the Verified Petition on or before **noon on September 9, 2021.**
7. A telephonic status conference is set for **September 10, 2021, at 4:00 p.m.** before the Honorable Marcia Morales Howard, United States District Judge. The Courtroom Deputy Clerk will separately provide participants with the call-in information for the hearing.

DONE AND ORDERED in Jacksonville, Florida this 3rd day of September, 2021.


MARCIA MORALES HOWARD
United States District Judge

lc11

Copies to:

Counsel of Record